IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5285 OF 2004

Chandrakant Annasaheb Kone & Anr. ..Applicants.

V/s.

The State of Maharashtra .. Respondents.

Shri V.V. Purwant for Applicants.
Shri K.V. Saste, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : DECEMBER 10, 2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. The learned APP fairly accepts that Applicant No.1 is the Chairman and Applicant No.2 is the Headmaster of the School run by Amar Jyoti Vidhyamandir, Solapur, in which the Complainant was serving as a teacher. Moreover, there is nothing on record to even remotely suggest that the Applicants have had direct interaction with the Complainant at any point of time. The grievance of the Applicants is that they had only signed certain documents, which were placed before them, obviously in their capacity

as Chairman and Headmaster respectively. Perhaps the complainant entertains apprehension that she has been victimised because she belongs to a particular community. Action taken by the Applicants is obviously in discharge of their official duty. If the order issued by the Superior Officer is wrong, that by itself, does not mean that the offence under the provisions of Atrocities Act has been committed. Something more needs to be established on record to bring home the offence, which is lacking in the present case. In other words, no offence under the Atrocities Act has been made out qua the Applicants. If it is so, this is a case for exercising powers under section 438 of the Code so as to grant anticipatory bail to the Applicants. In the peculiar facts and circumstances, I proceed to pass the following order, granting anticipatory bail to the applicants on the following conditions :-

(a) The Applicants are granted anticipatory bail in connection with C.R.No.3317/2004, registered with Faudjar Police Station, Solapur on executing personal bond in the sum of Rs. 10,000/- (Rs. Ten thousand only) each with one or two local sureties in the like

amount.

(b) The Applicants shall comply with all the requirements under section 438 (2) of the Code as applicable to the State of Maharashtra.

3. Ordered accordingly.

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